

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL KINZEL,

Defendant.

CASE NO. 2:22-cr-00187-LK

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL
DATE AND MOTIONS DEADLINE

This matter comes before the Court on Defendant Michael Kinzel's Unopposed Motion to Continue Trial Date and Motions Deadline. Dkt. No. 22. Mr. Kinzel seeks to continue the trial date from January 9, 2023 to May 8, 2023, and to continue the pretrial motions deadline to a date "approximately six weeks prior to trial." *Id.* at 1. The Government does not oppose the motion. *Id.*

Mr. Kinzel is charged with Possession of Controlled Substances with Intent to Distribute in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B). Dkt. No. 1 at 1–2.

Mr. Kinzel requests a new trial date of May 8, 2023 because his counsel needs additional time "to review discovery and prepare necessary motions," and because "[t]o date, counsel has received only a fraction of the discovery expected to be disclosed in this case." Dkt. No. 22 at 2.

1 Discovery is “expected to be extensive,” and Mr. Kinzel has moved for the appointment of a
2 coordinating discovery attorney to help coordinate with related cases that share the same
3 discovery. *Id.*; see Dkt. No. 18 at 1. Mr. Kinzel also notes that his case is “one of several related
4 cases” including *United States v. Paleo*, No. 22-cr-0180-LK (W.D. Wash.), for which the trial date
5 has been continued to May 8, 2023. Dkt. No. 22 at 1. “Counsel for the government has notified
6 counsel that if Mr. Kinzel’s case proceeds to trial he will most likely be joined as a defendant to
7 the *Paleo* case.” *Id.* at 2. Mr. Kinzel has filed a speedy trial waiver “knowingly, voluntarily, and
8 with advice of counsel” consenting to the continuance of his trial date and waiving his right to a
9 speedy trial to a date thirty days beyond May 8, 2023. Dkt. No. 25 at 1.

10 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
11 granting a continuance outweigh the best interest of the public and Mr. Kinzel in any speedier trial.
12 Specifically, the Court finds that failure to grant the requested continuance would likely result in
13 a miscarriage of justice and would deny defense counsel the reasonable time necessary for effective
14 preparation, taking into account the exercise of due diligence, due to counsel’s need for more time
15 to obtain and review discovery, consider pretrial motions and defenses, consult with his client, and
16 prepare for trial. See 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that the additional time
17 requested is a reasonable period of delay and will be necessary to provide counsel and Mr. Kinzel
18 reasonable time to accomplish the above tasks.

19 For these reasons, the Court GRANTS the motion, Dkt. No. 22, and ORDERS that the trial
20 date for Mr. Kinzel shall be continued from January 9, 2023 to May 8, 2023. It is further
21 ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the
22 original January 9, 2023 trial date to the new trial date is EXCLUDED when computing the time
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1 within which Mr. Kinzel's trial must commence under the Speedy Trial Act. Pretrial motions are
2 due no later than March 27, 2023.

3 Dated this 15th day of December, 2022.

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5 Lauren King
6 United States District Judge
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